Senate Bill 223

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires county sheriff to provide copy of stalking protective order to special campus security officers at institution of higher education or Oregon Health and Science University if order prohibits contact at institution or university.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to campus safety; creating new provisions; amending ORS 163.741; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 163.741 is amended to read:

- 163.741. (1) Whenever a stalking protective order, as authorized by ORS 163.735 or 163.738, is issued and the person to be restrained has actual notice [thereof] of the order, the person serving the order shall deliver [forthwith] to the county sheriff a true copy of the order and an affidavit of proof of service on which it is stated that personal service of the order was made on the respondent. If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service of the order is waived and accompanying proof of service is not necessary.
- (2) Upon receipt of the order and completion of any required service, the county sheriff shall [forthwith]:
- (a) Enter the order into the Law Enforcement Data System maintained by the Department of State Police and into the databases of the National Crime Information Center of the United States Department of Justice. [The sheriff shall also]
 - (b) Provide the complainant with a true copy of the proof of service.
- (c) If the order prohibits contact at an institution of higher education listed in ORS 352.002 or at Oregon Health and Science University, provide a copy of the order to the special campus security officers authorized by ORS 352.385 or 353.050.
- (3) Entry into the Law Enforcement Data System **under subsection** (2) **of this section** constitutes notice to all law enforcement agencies of the existence of [such] **the** order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of [such] **an** order [may be] **is** informed of the existence and terms of [such] **the** order. [Such] **An** order [shall be] **is** fully enforceable in any county in the state.
- (4) The complainant may elect to deliver documents personally to a county sheriff or to have them delivered by a private person for entry into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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- [(2)] (5) When a stalking protective order has been entered into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice under subsection [(1)] (2) of this section, a county sheriff shall cooperate with a request from a law enforcement agency from any other jurisdiction to verify the existence of the stalking protective order or to transmit a copy of the order to the requesting jurisdiction.
- [(3)] (6) When a stalking protective order described in [subsection (1) of] this section is terminated by order of the court, the clerk of the court shall deliver [forthwith] a true copy of the termination order to the county sheriff with whom the original order was filed. Upon receipt of the termination order, the county sheriff shall:
- (a) Promptly remove the original order from the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice.
- (b) Provide a copy of the termination order to any special campus security officers who received a copy of the stalking protective order under subsection (2) of this section.
- SECTION 2. The amendments to ORS 163.741 by section 1 of this 2009 Act apply to stalking protective orders issued on or after the effective date of this 2009 Act.
- <u>SECTION 3.</u> This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.